



General Assembly

February Session, 2012

***Raised Bill No. 5388***

LCO No. 1771

\*01771\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING COURT FEES AND THE DELIVERY OF LEGAL SERVICES TO THE POOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-5b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) The Chief Court Administrator [is authorized to] shall establish  
4 and administer a fund to be known as the Judicial Data Processing  
5 Revolving Fund which shall be used for the purpose of maintaining  
6 and improving any informational data processing system operated by  
7 the Judicial Department. The Chief Court Administrator is authorized  
8 to expend funds necessary for all reasonable direct expenses relating to  
9 the administration and operation of said fund. As used in this section,  
10 "data processing system" means the combined motor vehicle, criminal  
11 and civil informational systems on pending and disposed cases.

12 (b) Any person or public agency seeking [on line or dial up] on-line  
13 access to any data processing system operated and administered by the  
14 Office of the Chief Court Administrator, or seeking information stored  
15 in such data processing system in a format other than as provided by

16 the Office of the Chief Court Administrator, may be required to pay to  
17 the Office of the Chief Court Administrator an amount, as established  
18 in a fee schedule determined by the Office of the Chief Court  
19 Administrator, for deposit by the Office of the Chief Court  
20 Administrator in a fund established in subsection (a) of this section.  
21 Such fee schedule may include reasonable charges for personal  
22 services, fringe benefits, supplies and any other expenses related to  
23 maintaining, improving and providing such data processing services  
24 including, but not limited to, program modifications, training  
25 expenses, central processor user time and the rental and maintenance  
26 of equipment.

27 (c) The Judicial Data Processing Revolving Fund shall be held  
28 separate and apart from all other moneys, funds and accounts. Any  
29 balance remaining in said fund at the end of any fiscal year shall be  
30 carried forward in the fund for the next fiscal year, [next succeeding]  
31 except that on June 30, 2012, and on each June thirtieth thereafter, if the  
32 balance remaining in said fund exceeds five million dollars, the  
33 amount in excess of five million dollars shall be transferred to the  
34 General Fund.

35 Sec. 2. Section 52-259 of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective July 1, 2012*):

37 (a) There shall be paid to the clerks for entering each appeal or writ  
38 of error to the Supreme Court, or entering each appeal to the Appellate  
39 Court, as the case may be, two hundred fifty dollars, and for each civil  
40 cause in the Superior Court, three hundred twenty-five dollars, except  
41 (1) [one hundred seventy-five] two hundred dollars for entering each  
42 case in the Superior Court in which the sole claim for relief is damages  
43 and the amount, legal interest or property in demand is less than two  
44 thousand five hundred dollars; [and] (2) one hundred seventy-five  
45 dollars for summary process, landlord and tenant and paternity  
46 actions; [, and (2)] and (3) there shall be no entry fee for making an  
47 application to the Superior Court for relief under section 46b-15 or for

48 making an application to modify or extend an order issued pursuant to  
49 section 46b-15. If the amount, legal interest or property in demand by  
50 the plaintiff is alleged to be less than two thousand five hundred  
51 dollars, a new entry fee of seventy-five dollars shall be charged if the  
52 plaintiff amends his or her complaint to state that such demand is not  
53 less than two thousand five hundred dollars.

54 (b) The fee for the entry of a small claims case shall be [seventy-five]  
55 one hundred dollars. If a motion is filed to transfer a small claims case  
56 to the regular docket, the moving party shall pay a fee of one hundred  
57 twenty-five dollars.

58 (c) There shall be paid to the clerk of the Superior Court by any  
59 party who requests that a matter be designated as a complex litigation  
60 case the sum of three hundred twenty-five dollars, to be paid at the  
61 time the request is filed.

62 (d) There shall be paid to the clerk of the Superior Court by any  
63 party who requests a finding of fact by a judge of such court to be used  
64 on appeal the sum of twenty-five dollars, to be paid at the time the  
65 request is filed.

66 (e) There shall be paid to the clerk of the Superior Court a fee of  
67 seventy-five dollars for a petition for certification to the Supreme  
68 Court and Appellate Court.

69 (f) There shall be paid to the clerk of the Superior Court for  
70 receiving and filing an assessment of damages by appraisers of land  
71 taken for public use or the appointment of a commissioner of the  
72 Superior Court, two dollars; for recording the commission and oath of  
73 a notary public or certifying under seal to the official character of any  
74 magistrate, ten dollars; for issuing a certificate that an attorney is in  
75 good standing, ten dollars; for certifying under seal, two dollars; for  
76 exemplifying, twenty dollars; for making all necessary records and  
77 certificates of naturalization, the fees allowed under the provisions of  
78 the United States statutes for such services; and for making copies, one

79 dollar [a] per page.

80 (g) There shall be paid to the clerk of the Superior Court for a copy  
81 of a judgment file a fee of twenty-five dollars, inclusive of the fees for  
82 certification and copying, for a certified copy and a fee of fifteen  
83 dollars, inclusive of the fee for copying, for a copy which is not  
84 certified; and for a copy of a certificate of judgment in a foreclosure  
85 action, as provided by the rules of practice and procedure, twenty-five  
86 dollars, inclusive of the fees for certification and copying.

87 (h) There shall be paid to the clerk of the Superior Court a fee of one  
88 hundred seventy-five dollars at the time any application for a  
89 prejudgment remedy is filed.

90 (i) There shall be paid to the clerk of the Superior Court a fee of one  
91 hundred twenty-five dollars at the time any claim to the trial list is  
92 filed.

93 (j) There shall be paid to the clerk of the Superior Court a fee of  
94 three hundred dollars at the time any motion to be admitted as  
95 attorney pro hac vice is filed.

96 [(i)] (k) A fee of twenty dollars for any check issued to the court in  
97 payment of any fee which is returned as uncollectible by the bank on  
98 which it is drawn may be imposed.

99 [(j)] (l) The tax imposed under chapter 219 shall not be imposed  
100 upon any fee charged under the provisions of this section.

101 Sec. 3. Section 52-259c of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective July 1, 2012*):

103 (a) There shall be paid to the clerk of the Superior Court upon the  
104 filing of any motion to open, set aside, modify or extend any civil  
105 judgment rendered in Superior Court a fee of seventy-five dollars for  
106 any housing matter, a fee of seventy-five dollars for any small claims  
107 matter, a fee of one hundred seventy-five dollars for any post-

108 judgment motion to modify any judgment in a civil relations matter  
109 and a fee of one hundred twenty-five dollars for any other matter,  
110 except no fee shall be paid upon the filing of any motion to open, set  
111 aside, modify or extend judgments in juvenile matters or orders issued  
112 pursuant to section 46b-15 or upon the filing of any motion pursuant to  
113 subsection (b) of section 46b-63. Such fee may be waived by the court.

114 (b) Upon the filing of a motion to open or reargue a judgment in any  
115 civil appeal rendered by the Supreme Court or Appellate Court or to  
116 reconsider any other civil matter decided in either court, the party  
117 filing the motion shall pay a fee of one hundred twenty-five dollars.

118 Sec. 4. Subdivision (1) of subsection (a) of section 52-356a of the  
119 general statutes is repealed and the following is substituted in lieu  
120 thereof (*Effective July 1, 2012*):

121 (a) (1) On application of a judgment creditor or a judgment  
122 creditor's attorney, stating that a judgment remains unsatisfied and the  
123 amount due thereon, and subject to the expiration of any stay of  
124 enforcement and expiration of any right of appeal, the clerk of the  
125 court in which the money judgment was rendered shall issue an  
126 execution pursuant to this section against the nonexempt personal  
127 property of the judgment debtor other than debts due from a banking  
128 institution or earnings. The application shall be accompanied by a fee  
129 of [seventy-five] one hundred dollars payable to the clerk of the court  
130 for the administrative costs of complying with the provisions of this  
131 section which fee may be recoverable by the judgment creditor as a  
132 taxable cost of the action. In the case of a consumer judgment, the  
133 application shall indicate whether, pursuant to an installment payment  
134 order under subsection (b) of section 52-356d, the court has entered a  
135 stay of execution and, if such a stay was entered, shall contain a  
136 statement of the judgment creditor or the judgment creditor's attorney  
137 as to the debtor's default on payments. In the case of a judgment  
138 arising out of services provided at a hospital, no application shall be  
139 made until the court has (A) issued an order for installment payments

140 in accordance with section 52-356d, (B) made a finding that the debtor  
141 has defaulted on payments under the order, and (C) lifted the  
142 mandatory stay issued under section 52-356d. The court shall make a  
143 determination concerning noncompliance or default, and decide  
144 whether to modify the installment payment plan, continue the  
145 installment payment plan, or lift the stay. The execution shall be  
146 directed to any levying officer.

147 Sec. 5. Subsection (a) of section 52-361a of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective July*  
149 *1, 2012*):

150 (a) If a judgment debtor fails to comply with an installment  
151 payment order, the judgment creditor may apply to the court for a  
152 wage execution. The application shall contain the judgment creditor's  
153 or the judgment creditor's attorney's statement setting forth the  
154 particulars of the installment payment order and of the judgment  
155 debtor's failure to comply. The application shall be accompanied by a  
156 fee of [seventy-five] one hundred dollars payable to the clerk of the  
157 court for the administrative costs of complying with the provisions of  
158 this section which fee may be recoverable by the judgment creditor as  
159 a taxable cost of the action.

160 Sec. 6. Subsection (b) of section 52-367a of the general statutes is  
161 repealed and the following is substituted in lieu thereof (*Effective July*  
162 *1, 2012*):

163 (b) Execution may be granted pursuant to this section against any  
164 debts due from any financial institution to a judgment debtor which is  
165 not a natural person. If execution is desired against any such debt, the  
166 plaintiff requesting the execution shall make application to the clerk of  
167 the court. The application shall be accompanied by a fee of [seventy-  
168 five] one hundred dollars payable to the clerk of the court for the  
169 administrative costs of complying with the provisions of this section  
170 which fee may be recoverable by the judgment creditor as a taxable  
171 cost of the action. The clerk shall issue such execution containing a

172 direction that the officer serving such execution shall make demand (1)  
 173 upon the main office of any financial institution having its main office  
 174 within the county of the serving officer, or (2) if such main office is not  
 175 within the serving officer's county and such financial institution has  
 176 one or more branch offices within such county, upon an employee of  
 177 such a branch office, such employee and branch office having been  
 178 designated by the financial institution in accordance with regulations  
 179 adopted by the Banking Commissioner, in accordance with chapter 54,  
 180 for the payment of any debt due to the judgment debtor, and, after  
 181 having made such demand, shall serve a true and attested copy  
 182 thereof, with the serving officer's actions thereon endorsed, with the  
 183 financial institution officer upon whom such demand is made. The  
 184 serving officer shall not serve more than one financial institution  
 185 execution per judgment debtor at a time, including copies thereof.  
 186 After service of an execution on one financial institution, the serving  
 187 officer shall not serve the same execution or a copy thereof upon  
 188 another financial institution until receiving confirmation from the  
 189 preceding financial institution that the judgment debtor had  
 190 insufficient funds at the preceding financial institution available for  
 191 collection to satisfy the execution. If the serving officer does not receive  
 192 within twenty-five days of the service of the demand a response from  
 193 the financial institution that was served indicating whether or not the  
 194 taxpayer has funds at the financial institution available for collection,  
 195 the serving officer may assume that sufficient funds are not available  
 196 for collection and may proceed to serve another financial institution in  
 197 accordance with this subsection.

198 Sec. 7. Subsection (b) of section 52-367b of the general statutes is  
 199 repealed and the following is substituted in lieu thereof (*Effective July*  
 200 *1, 2012*):

201 (b) If execution is desired against any such debt, the plaintiff  
 202 requesting the execution shall make application to the clerk of the  
 203 court. The application shall be accompanied by a fee of [seventy-five]  
 204 one hundred dollars payable to the clerk of the court for the

205 administrative costs of complying with the provisions of this section  
206 which fee may be recoverable by the judgment creditor as a taxable  
207 cost of the action. In a IV-D case, the request for execution shall be  
208 accompanied by an affidavit signed by the serving officer attesting to  
209 an overdue support amount of five hundred dollars or more which  
210 accrued after the entry of an initial family support judgment. If the  
211 papers are in order, the clerk shall issue such execution containing a  
212 direction that the officer serving such execution shall, within seven  
213 days from the receipt by the serving officer of such execution, make  
214 demand (1) upon the main office of any financial institution having its  
215 main office within the county of the serving officer, or (2) if such main  
216 office is not within the serving officer's county and such financial  
217 institution has one or more branch offices within such county, upon an  
218 employee of such a branch office, such employee and branch office  
219 having been designated by the financial institution in accordance with  
220 regulations adopted by the Banking Commissioner, in accordance with  
221 chapter 54, for payment of any such nonexempt debt due to the  
222 judgment debtor and, after having made such demand, shall serve a  
223 true and attested copy of the execution, together with the affidavit and  
224 exemption claim form prescribed by subsection (k) of this section, with  
225 the serving officer's actions endorsed thereon, with the financial  
226 institution officer upon whom such demand is made. The serving  
227 officer shall not serve more than one financial institution execution per  
228 judgment debtor at a time, including copies thereof. After service of an  
229 execution on one financial institution, the serving officer shall not  
230 serve the same execution or a copy thereof upon another financial  
231 institution until receiving confirmation from the preceding financial  
232 institution that the judgment debtor had insufficient funds at the  
233 preceding financial institution available for collection to satisfy the  
234 execution, provided any such additional service is made not later than  
235 forty-five days from the receipt by the serving officer of such  
236 execution.

237 Sec. 8. Section 51-5d of the general statutes is repealed and the  
238 following is substituted in lieu thereof (*Effective July 1, 2012*):



239       (a) The Chief Court Administrator, or a designee, on or before the  
 240 last day of January, April, July and October in each year, shall certify  
 241 the amount of revenue received as a result of any fee increase that  
 242 takes effect July 1, 2009, set forth in sections 52-258, 52-259, 52-259c and  
 243 52-361a, and transfer such amount to the organization administering  
 244 the program for the use of interest earned on lawyers' clients' funds  
 245 accounts pursuant to section 51-81c, for the purpose of funding the  
 246 delivery of legal services to the poor.

247       (b) The Chief Court Administrator, or a designee, on or before the  
 248 last day of January, April, July and October in each year, shall (1)  
 249 certify the amount of revenue received as a result of any fee increase  
 250 that takes effect July 1, 2012, set forth in (A) section 52-259, as amended  
 251 by section 2 of this act, (B) section 52-259c, as amended by section 3 of  
 252 this act, (C) section 52-356a, as amended by section 4 of this act, (D)  
 253 subsection (a) of section 52-361a, as amended by section 5 of this act,  
 254 (E) subsection (b) of section 52-367a, as amended by section 6 of this  
 255 act, and (F) subsection (b) of section 52-367b, as amended by section 7  
 256 of this act, and (2) transfer (A) sixty per cent of such amount to the  
 257 organization administering the program for the use of interest earned  
 258 on lawyers' clients' funds accounts pursuant to section 51-81c, for the  
 259 purpose of funding the delivery of legal services to the poor, and (B)  
 260 forty per cent of such amount to the Judicial Data Processing  
 261 Revolving Fund established in section 51-5b, as amended by this act,  
 262 for the purpose of maintaining and improving any informational data  
 263 processing system operated by the Judicial Department, subject to the  
 264 deposit requirements of subsection (c) of section 51-5b, as amended by  
 265 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	51-5b
Sec. 2	July 1, 2012	52-259
Sec. 3	July 1, 2012	52-259c
Sec. 4	July 1, 2012	52-356a(a)(1)

Sec. 5	<i>July 1, 2012</i>	52-361a(a)
Sec. 6	<i>July 1, 2012</i>	52-367a(b)
Sec. 7	<i>July 1, 2012</i>	52-367b(b)
Sec. 8	<i>July 1, 2012</i>	51-5d

***Statement of Purpose:***

To increase certain court filing fees and allocate sixty per cent of the funds generated to the interest earned on lawyers' clients' funds account to provide legal services to the poor, and allocate the remaining funds to the Judicial Data Processing Revolving Fund to fund technology projects within the Judicial Branch.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*